

INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 24-2008
Ordinance No. 1427
Series of 2008

**TITLE: AN ORDINANCE PROVIDING FOR THE
APPROVAL OF AGRICULTURE-ONE, A-1,
ZONING ON PROPERTY RECENTLY ANNEXED
TO THE CITY OF WHEAT RIDGE LOCATED
WEST OF LOT 9, CABELA'S/COORS
SUBDIVISION, NORTH OF CLEAR CREEK AND
SOUTH OF STATE HIGHWAY 58 AT INDIANA
STREET EXTENDED (CASE NO. WZ-08-
08/COORS AT CLEAR CREEK)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT
RIDGE, COLORADO THAT:**

Section 1. Upon application by Coors Brewing Company and Donald McDonald, approval of Agriculture-One (A-1) zoning on property recently annexed to the City of Wheat Ridge located west of Lot 9, Cabela's/Coors Subdivision, north of Clear Creek and south of State Highway 58 at Indiana Street extended and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, Agriculture-One zoning is approved for the following described land:

BEING A PORTION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN CORRECTION DEED ON FILE AT RECEPTION No. 2006044289 IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTH HALF (S 1/2) OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION OF LOTS 1, 3 AND TRACT A:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 19, FROM WHENCE THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) BEARS NORTH 00°22'44" WEST A DISTANCE OF 2642.03 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4), NORTH 00°22'44" WEST, 1321.03 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4);

THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°22'44" WEST, 171.61 FEET TO A POINT ON THE BOUNDARY OF SAID CORRECTION DEED, AND BEING POINT OF BEGINNING #1;

THENCE ALONG SAID BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. SOUTH 81°12'11" WEST, 438.70 FEET TO A POINT;
2. SOUTH 85°00'54" WEST, 480.94 FEET TO A POINT;
3. SOUTH 89°49'59" WEST, 310.18 FEET TO A POINT;
4. SOUTH 88°36'28" WEST, 125.11 FEET TO A POINT;
5. SOUTH 85°49'53" WEST, 273.10 FEET TO A POINT;
6. NORTH 88°15'34" WEST, 397.05 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE SOUTHERLY;
7. WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1323.78 FEET, AND WHOSE LONG CHORD BEARS SOUTH 88°28'30" WEST AND HAS A CHORD LENGTH OF 150.82 FEET, THROUGH A CENTRAL ANGLE OF 06°31'53", FOR AN ARC LENGTH OF 150.90 FEET TO A POINT OF NON-TANGENCY;
8. NORTH 00°11'45" WEST, 362.13 FEET TO A POINT ON THE BOUNDARY OF THAT CERTAIN PARCEL AS DESCRIBED AND CONVEYED AT RECEPTION No. 2008011087;

THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 86°15'04" EAST, 260.84 FEET TO A POINT;
2. SOUTH 74°33'52" EAST, 239.61 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A', AND BEING A POINT ON THE BOUNDARY OF THAT CERTAIN PARCEL AS DESCRIBED AND CONVEYED TO THE CITY OF WHEAT RIDGE AT RECEPTION No. 2007136692;

THENCE ALONG SAID BOUNDARY THE FOLLOWING NINE (9) COURSES:

1. SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 525.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 60°14'17" EAST AND HAS A CHORD LENGTH OF 491.51 FEET, THROUGH A CENTRAL ANGLE OF 55°49'20", FOR AN ARC LENGTH OF 511.50 FEET TO A POINT OF NON-TANGENCY;
2. SOUTH 86°04'31" EAST, 66.58 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE NORTHWESTERLY;
3. NORTHEASTERY ALONG SAID CURVE, HAVING A RADIUS OF 500.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 63°17'56" EAST AND HAS A CHORD LENGTH OF 509.43 FEET, THROUGH A CENTRAL ANGLE OF 61°15'06", FOR AN ARC LENGTH OF 534.52 FEET TO A POINT OF TANGENCY;
4. NORTH 32°40'24" EAST, 85.60 FEET TO A POINT;
5. NORTH 57°19'36" WEST, 10.00 FEET TO A POINT;

6. NORTH 32°40'24" EAST, 57.33 FEET TO A TANGENT CURVE TO THE RIGHT CONCAVE SOUTHEASTERLY;
7. NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 510.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 56°28'49" EAST AND HAS A CHORD LENGTH OF 411.73 FEET, THROUGH A CENTRAL ANGLE OF 47°36'50", FOR AN ARC LENGTH OF 423.82 FEET TO A POINT OF NON-TANGENCY;
8. NORTH 80°23'25" EAST, 92.85 FEET TO A TANGENT CURVE TO THE RIGHT CONCAVE SOUTHERLY;
9. EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2018.17 FEET, AND WHOSE LONG CHORD BEARS NORTH 82°08'01" EAST AND HAS A CHORD LENGTH OF 122.80 FEET, THROUGH A CENTRAL ANGLE OF 03°29'13", FOR AN ARC LENGTH OF 122.82 FEET TO A POINT OF NON-TANGENCY, AND BEING A POINT ON THE SOUTH LINE OF STATE HIGHWAY 58 AS DESCRIBED AND CONVEYED IN THOSE CERTAIN DEEDS IN BOOK 2177, PAGE 367 AND IN BOOK 2227 AT PAGES 527-531;

THENCE ALONG SAID SOUTH LINE, NORTH 87°00'55" EAST, 322.43 FEET TO A POINT ON THE BOUNDARY OF THAT CERTAIN PLAT OF CABELAS COORS SUBDIVISION FILING No. 1, AMENDED;

THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 01°45'57" WEST, 141.60 FEET TO A NON-TANGENT CURVE TO THE LEFT CONCAVE NORTHWESTERLY;
2. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 505.40 FEET, AND WHOSE LONG CHORD BEARS SOUTH 28°11'16" WEST AND HAS A CHORD LENGTH OF 451.18 FEET, THROUGH A CENTRAL ANGLE OF 53°01'14", FOR AN ARC LENGTH OF 467.69 FEET TO POINT OF BEGINNING #1.

TOGETHER WITH THE FOLLOWING DESCRIBED LAND:

DESCRIPTION OF LOT 2:

COMMENCING AT THE AFORMENTIONED POINT 'A';
 THENCE ALONG THE BOUNDARY OF SAID CERTAIN PARCEL AS DESCRIBED AND CONVEYED AT RECEPTION No. 2008011087, NORTH 74°18'51" EAST, 322.38 FEET TO POINT OF BEGINNING #2;

THENCE CONTINUING ALONG SAID BOUNDARY, NORTH 63°00'12" EAST, 458.54 FEET TO THE AFORMENTIONED SOUTH LINE OF STATE HIGHWAY 58;
 THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

NORTH 80°35'52" EAST, 231.36 FEET TO A POINT;
 NORTH 87°00'55" EAST, 208.24 FEET TO A POINT ON THE BOUNDARY OF THAT CERTAIN RIGHT-OF-WAY AS DESCRIBED AND CONVEYED IN THAT

CERTAIN SPECIAL WARRANTY DEED ON FILE AT RECEPTION No.
2007136692;

THENCE ALONG THE BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING
SIX (6) COURSES:

1. SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT
CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 590.00 FEET, AND
WHOSE LONG CHORD BEARS SOUTH 46°33'18" WEST AND HAS A CHORD
LENGTH OF 283.10 FEET, THROUGH A CENTRAL ANGLE OF 27°45'48",
FOR AN ARC LENGTH OF 285.89 FEET TO A POINT OF TANGENCY;
2. SOUTH 32°40'24" WEST, 57.33 FEET TO A POINT;
3. NORTH 57°19'36" WEST, 10.00 FEET TO A POINT;
4. SOUTH 32°40'24" WEST, 57.33 FEET TO A NON-TANGENT CURVE TO THE
RIGHT CONCAVE NORTHWESTERLY;
5. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 400.00
FEET, AND WHOSE LONG CHORD BEARS SOUTH 52°47'22" WEST AND
HAS A CHORD LENGTH OF 270.97 FEET, THROUGH A CENTRAL ANGLE
OF 39°35'49", FOR AN ARC LENGTH OF 276.44 FEET TO A COMPOUND
CURVE TO THE RIGHT CONCAVE NORTHERLY;
6. WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 275.00 FEET, AND
WHOSE LONG CHORD BEARS NORTH 61°21'21" WEST AND HAS A
CHORD LENGTH OF 402.36 FEET, THROUGH A CENTRAL ANGLE OF
94°02'04", FOR AN ARC LENGTH OF 451.33 FEET TO POINT OF BEGINNING
#2.

CONTAINING 886,123 TOTAL SQUARE FEET OR 20.342 TOTAL ACRES OF
LAND, MORE OR LESS.

Section 2. Vested Property Rights. Approval of this zoning does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for any reason be adjusted by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

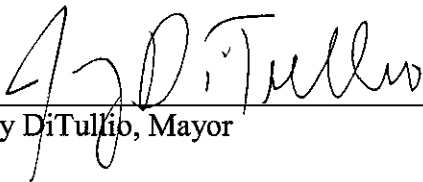
Section 5. Supersession Clause. If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

Section 6. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of December, 2008, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for **Monday, January 12, 2009**, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

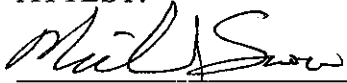
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 12th day of January, 2009.

SIGNED by the Mayor on this 12th day of January, 2009.

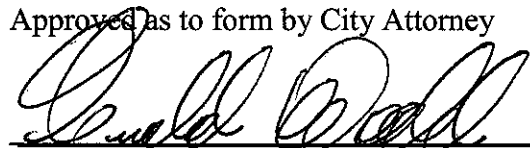


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to form by City Attorney


Gerald Dahl, City Attorney

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